

AMENDED IN ASSEMBLY JULY 14, 2009

AMENDED IN ASSEMBLY APRIL 13, 2009

SENATE BILL

No. 172

Introduced by Senator Florez

February 14, 2009

An act to amend Sections 2224, 2225, and 2226 of the Elections Code, relating to voters.

LEGISLATIVE COUNSEL'S DIGEST

SB 172, as amended, Florez. Voter registration.

Under existing law, the registration of a voter is permanent for all purposes during his or her life, unless and until the affidavit of registration is canceled by a county elections official for a specified cause. Existing law authorizes a county elections official, if a voter has not voted in any election within the preceding 4 years, and the residence, address, name, or party affiliation of the voter has not been updated during that time, to send an alternate residency confirmation postcard that describes the alternate residency procedure. If a county uses the alternate residency confirmation procedure, the county is required to notify all voters of the procedure in the sample ballot pamphlet or in a separate mailing. A voter in that county is also given the opportunity to vote at a statewide primary or general election between the date of the notice and the beginning of the alternate residency procedure. Existing law further authorizes a county elections official to cancel the voter registration of a voter whose name has been placed on the inactive file of registered voters for failure to respond to a confirmation mailing or an address verification mailing and who does not offer to vote or vote at any election between the date of the mailing and 2 federal general elections after the date of that mailing.

This bill would instead provide that a county elections official may cancel the voter registration of a voter whose name has been placed on the inactive file of registered voters for failure to respond to a confirmation mailing or an address verification mailing and who does not offer to vote or vote at any election between the date of the mailing and 4 presidential elections after the date of that mailing.

By increasing duties of elections officials, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2224 of the Elections Code is amended
2 to read:
3 2224. (a) If a voter has not voted in any election within the
4 preceding four years, and his or her residence address, name, or
5 party affiliation had not been updated during that time, the county
6 elections official may send an alternate residency confirmation
7 postcard. The use of this postcard may be sent subsequent to NCOA
8 or sample ballot returns, but shall not be used in the residency
9 confirmation process conducted under Section 2220. The postcard
10 shall be forwardable, including a postage-paid and preaddressed
11 return form to enable the voter to verify or correct the address
12 information, and shall be in substantially the following form:
13 “If the person named on the postcard is not at this address,
14 PLEASE help keep the voter rolls current and save taxpayer dollars
15 by returning this postcard to your mail carrier.”
16 “IMPORTANT NOTICE”
17 “According to our records you have not voted in any election
18 during the past four years, which may indicate that you no longer
19 reside in ____ County. If you continue to reside in this county you

1 must confirm your residency address in order to remain on the
2 active voter list and receive election materials in the mail.”

3 “If confirmation has not been received within 15 days, you may
4 be required to provide proof of your residence address in order to
5 vote at future elections and, if you do not appear or offer to vote
6 at any election in the period between the date of this notice and
7 the fourth presidential election after the date of this notice, your
8 voter registration will be ~~canceled~~ *canceled* and you will have to
9 reregister in order to vote. If you no longer live in ____ County,
10 you must reregister at your new residence address in order to vote
11 in the next election. California residents may obtain a mail
12 registration form by calling the county elections office or the Office
13 of the Secretary of State.”

14 (b) The use of a toll-free telephone number to confirm the old
15 residence address is optional. Any change to a voter’s address shall
16 be received in writing.

17 (c) Any county using the alternate residency confirmation
18 procedure shall notify all voters of the procedure in the sample
19 ballot pamphlet or in a separate mailing. The voter shall be given
20 an opportunity to vote at a statewide primary or general election
21 between the date of notice and the beginning of the alternate
22 residency procedure.

23 SEC. 2. Section 2225 of the Elections Code is amended to read:

24 2225. (a) Based on change of address data received from the
25 United States Postal Service or its licensees, the county elections
26 official shall send a forwardable notice, including a postage-paid
27 and preaddressed return form, to enable the voter to verify or
28 correct address information.

29 Notification received through NCOA or Operation Mail that a
30 voter has moved and has given no forwarding address shall not
31 require the mailing of a forwardable notice to that voter.

32 (b) If a change of address indicates that the voter has moved to
33 a new residence address in the same county, the forwardable notice
34 shall be in substantially the following form:

35 “We have received notification that the voter has moved to a
36 new residence address in ____ County. You will be registered to
37 vote at your new address unless you notify our office within 15
38 days that the address to which this card was mailed is not a change
39 of your permanent residence. You must notify our office by either
40 returning the attached postage-paid postcard, or by calling toll

1 free. If this is not a permanent residence, and if you do not notify
2 us within 15 days, you may be required to provide proof of your
3 residence address in order to vote at future elections.”

4 (c) If change of address data indicates that the voter has moved
5 to a new address in another county, the forwardable notice shall
6 be in substantially the following form: “We have received
7 notification that you have moved to a new address not in ____
8 County. Please use the attached postage-paid postcard to: (1) advise
9 us if this is or is not a permanent change of residence address, or
10 (2) to advise us if our information is incorrect. If you do not return
11 this card within 15 days and continue to reside in ____ County,
12 you may be required to provide proof of your residence address
13 in order to vote at future elections and, if you do not offer to vote
14 at any election in the period between the date of this notice and
15 the fourth presidential election following this notice, your voter
16 registration will be ~~cancelled~~ *canceled* and you will have to
17 reregister in order to vote. If you no longer live in ____ County,
18 you must reregister at your new residence address in order to vote
19 in the next election. California residents may obtain a mail
20 registration form by calling the county elections officer or
21 1-800-345-VOTE.”

22 (d) If postal service change-of-address data received from a
23 nonforwardable mailing indicates that a voter has moved and left
24 no forwarding address, a forwardable notice shall be sent in
25 substantially the following form:

26 “We are attempting to verify postal notification that the voter to
27 whom this card is addressed has moved and left no forwarding
28 address. If the person receiving this card is the addressed voter,
29 please confirm your continued residence or provide current
30 residence information on the attached postage-paid postcard within
31 15 days. If you do not return this card and continue to reside in
32 ____ County, you may be required to provide proof of your
33 residence address in order to vote at future elections and, if you
34 do not offer to vote at any election in the period between the date
35 of this notice and the fourth presidential election following this
36 notice, your voter registration will be ~~cancelled~~ *canceled* and you
37 will have to reregister in order to vote. If you no longer live in
38 ____ County, you must reregister at your new residence address
39 in order to vote in the next election. California residents may obtain

1 a mail registration form by calling the county elections office or
2 the Office of the Secretary of State.”

3 (e) The use of a toll-free telephone number to confirm the old
4 residence address is optional. Any change to the voter address
5 must be received in writing.

6 SEC. 3. Section 2226 of the Elections Code is amended to read:

7 2226. (a) Based on change-of-address information received
8 pursuant to Sections 2220 to 2225, inclusive, or change-of-address
9 information provided directly by the voter, the county elections
10 official shall take the following actions as appropriate:

11 (1) If the information indicates the voter has moved to a new
12 address within the same county, the county elections official shall
13 update and correct the voter’s registration.

14 (2) If the information indicates the voter has moved to a new
15 address in another county, if the mailings have been returned as
16 undeliverable, or if the voter fails to confirm his or her address as
17 required by Section 2224, the county elections official may place
18 the voter’s name on the inactive file of registered voters who do
19 not receive election materials and are not included in calculations
20 to determine the number of signatures required for qualification
21 of candidates and measures, precinct size, or other election
22 administration related processes.

23 (3) If the voter verifies in writing that he or she has moved to
24 a residence address in another county, the county elections official
25 shall cancel the voter registration in the county from which the
26 voter has moved.

27 (b) The voter registration of any voter whose name has been
28 placed on the inactive file of registered voters for failure to respond
29 to a confirmation mailing as required by Section 2224 or an address
30 verification mailing required by Section 2225, and who does not
31 offer to vote or vote at any election between the date of the mailing
32 and four ~~federal-general~~ *presidential* elections after the date of that
33 mailing, may be canceled.

34 (c) Any voter whose name has been placed on the inactive file
35 of registered voters and offers to vote at any election between the
36 date of the verification notice, and four presidential elections after
37 the date of notice, or who notifies the elections official of a
38 continued residency, shall be removed from the inactive file and
39 placed on the active voter file.

1 (d) All address corrections, cancellations, and inactive
2 transactions made to the voter registration file pursuant to this
3 section shall be reflected on the voter index as required by Section
4 2191.

5 *SEC. 4. If the Commission on State Mandates determines that*
6 *this act contains costs mandated by the state, reimbursement to*
7 *local agencies and school districts for those costs shall be made*
8 *pursuant to Part 7 (commencing with Section 17500) of Division*
9 *4 of Title 2 of the Government Code.*